

IN THE CLAIMS

1. (original) A crystalline polymorph A of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (Å) at 6.4 (s), 6.15 (s), 5.69 (s), 4.59 (vs), 4.53 (s), 4.02 (s), 3.71 (vs), 3.08 (s); wherein (vs) = very strong intensity; (s) = strong intensity.
2. (currently amended) A crystalline polymorph A of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone ~~[[of]]~~according to claim 1, having an X-ray powder diffraction pattern substantially as depicted in figure 1.
3. (original) A crystalline 1-butanol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (Å) at 7.5 (s), 4.87 (s), 4.48 (s), 4.05 (s), 3.76 (s); wherein (s) = strong intensity.
4. (currently amended) A crystalline 1-butanol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone ~~[[of]]~~according to claim 3, having an X-ray powder diffraction pattern substantially as depicted in figure 2.
5. (currently amended) A crystalline 1-butanol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim ~~[[s]]~~ 3 ~~to~~ 4 containing up to 20% of 1-butanol, relative to the weight of the crystalline solvate.
6. (original) A crystalline anisol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (Å) at 7.8 (s), 6.4 (s), 4.89 (s), 4.44 (vs), 4.00 (s), 3.70 (vs), 3.46 (s); wherein (vs) = very strong intensity; (s) = strong intensity.
7. (currently amended) A crystalline anisol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone ~~[[of]]~~according to claim 6, having an X-ray powder diffraction pattern substantially as depicted in figure 3.

8. (currently amended) A crystalline anisole solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim[[s]] 6-~~to~~7 containing up to 25% anisole.
9. (original) A crystalline isopropanol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (Å) at 10.7 (s), 7.6 (vs), 6.3 (s), 5.21 (s), 5.03 (s), 4.86 (vs), 4.50 (vs), 4.11 (s), 3.90 (s), 3.69 (s), 3.52 (s); wherein (vs) = very strong intensity; (s) = strong intensity.
10. (currently amended) A crystalline isopropanol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone [[of]]according to claim 9, having an X-ray powder diffraction pattern substantially as depicted in figure 4.
11. (currently amended) A crystalline isopropanol solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim[[s]] 9-~~to~~10 containing up to 20% isopropanol.
12. (original) A crystalline ethyl methyl ketone solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (Å) at 7.3 (vs), 6.2 (s), 4.85 (s), 4.66 (s), 4.47 (vs), 4.03 (s), 3.98 (s), 3.72 (s), 3.55 (s); wherein (vs) = very strong intensity; (s) = strong intensity.
13. (currently amended) A crystalline ethyl methyl ketone solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone [[of]]according to claim 12, having an X-ray powder diffraction pattern substantially as depicted in figure 5.
14. (currently amended) A crystalline ethyl methyl ketone solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim[[s]] 12-~~to~~13 containing up to 15% ethyl methyl ketone.
15. (original) A crystalline tetrahydrofuran solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction

pattern with characteristic peaks expressed in d-values (Å) at 7.6 (s), 5.97 (s), 4.98 (s), 4.84 (s), 4.11 (vs), 3.72 (vs), 3.66 (vs); wherein (vs) = very strong intensity; (s) = strong intensity.

16. (currently amended) A crystalline tetrahydrofuran solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone ~~[[of]]according to~~ claim 15, having an X-ray powder diffraction pattern substantially as depicted in figure 6.

17. (currently amended) A crystalline tetrahydrofuran solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim ~~[[s]] 15 to 16~~ containing up to 25% tetrahydrofuran.

18. (original) A crystalline 1,4-dioxane solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (Å) at 5.91 (s), 5.26 (s), 4.99 (s), 4.85 (vs), 4.08 (s); wherein (vs) = very strong intensity; (s) = strong intensity.

19. (currently amended) A crystalline 1,4-dioxane~~1,4-dioxane~~ solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone ~~[[of]]according to~~ claim 18, having an X-ray powder diffraction pattern substantially as depicted in figure 7.

20. (currently amended) A crystalline 1,4-dioxane~~1,4-dioxane~~ solvate of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim ~~[[s]] 18 to 19~~ containing up to 25% of 1,4-dioxane.

21. (currently amended) A p~~[[P]]~~rocess for the manufacture of crystalline polymorph A of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 1 wherein a solution of Zolmitriptan in an organic solvent or mixture of organic solvents is cooled, provided that the solution does not contain 1-butanol, anisole, 2-propanol, ethyl methyl ketone, tetrahydrofuran, 1,4-dioxane, or ethyl acetate.

22. (currently amended) A p~~[[P]]~~rocess according to~~[[of]]~~ claim 21, wherein an organic solvent is selected from C₁-C₄alkanols, ~~[[,]]~~sulfoxides, and/or amides, or mixtures of C₁-C₄alkanols with water.

23. (currently amended) A p[P]rocess according to[of] claim 21, wherein the solution additionally contains a non-solvent selected from alkanes and ethers.
24. (currently amended) A p[P]rocess according to claim 21 in which the solution is cooled from a temperature of about 20° to 100°C down to about -20°C to 10°C.
25. (currently amended) A p[P]rocess for the manufacture of crystalline polymorph A of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 1 wherein crystalline Zolmitriptan is suspended, or amorphous Zolmitriptan is dispersed, in an organic solvent, provided that the solvent does not contain 1-butanol, anisole, ethyl methyl ketone, tetrahydrofuran, or 1,4-dioxane.
26. (currently amended) A p[P]rocess according to[of] claim 25, wherein the organic solvent is an alcohol or an acetate.
27. (currently amended) A p[P]rocess for the manufacture of crystalline polymorph B of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 3, by cooling, or solvent evaporation, of a solution of Zolmitriptan in 1-butanol or in a solvent containing 1-butanol, provided that the solvent does not contain anisole, ethyl methyl ketone, 2-propanol, tetrahydrofuran, 1,4-dioxane, or ethyl acetate.
28. (currently amended) A p[P]rocess for the manufacture of crystalline polymorph C of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 6, wherein a suspension of Zolmitriptan is stirred in anisole.
29. (currently amended) A p[P]rocess for the manufacture of crystalline polymorph D of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 9, wherein a solution of Zolmitriptan in 2-propanol is cooled and/or the 2-propanol is evaporated.
30. (currently amended) A p[P]rocess for the manufacture of crystalline polymorph E of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 12, wherein a dispersion of Zolmitriptan is stirred in ethyl methyl ketone, or wherein a solution of Zolmitriptan in ethyl methyl ketone or in a solvent containing ethyl methyl ketone, provided that

the solvent does not contain 1-butanol, ~~contain~~ anisole, 2-propanol, tetrahydrofuran, 1,4-dioxane, or ethyl acetate, is subjected to cooling and/or solvent evaporation.

31. (currently amended) A ~~p~~process for the manufacture of crystalline polymorph F of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 15, wherein a solution of Zolmitriptan in tetrahydrofuran is cooled and/or the tetrahydrofuran is evaporated.

32. (currently amended) A ~~p~~process for the manufacture of crystalline polymorph G of (S)-4-[[3-[2-(dimethylamino)ethyl]-1H-indol-5-yl]methyl]-2-oxazolidinone according to claim 18, wherein Zolmitriptan is suspended in 1,4-dioxane, or wherein a solution of Zolmitriptan in 1,4-dioxane or in a solvent containing 1,4-dioxane, provided that the solvent does not contain 1-butanol, ~~contain~~ anisole, 2-propanol, methyl ethyl ketone, tetrahydrofuran, or ethyl acetate, is subjected to cooling and/or solvent evaporation.

33. (currently amended) A process according to ~~any of the claim~~[[s]] 21 to 32, wherein seeding is carried out with crystals of the desired crystalline polymorph.

34. (currently amended) A process according to ~~any of the claim~~[[s]] 21 to 32 in which the solution or dispersion of Zolmitriptan is prepared in situ.

35. (currently amended) A pharmaceutical composition comprising a crystalline polymorphic form according to ~~any of claim~~[[s]] 1 to 20, and a pharmaceutically acceptable carrier.

36. (currently amended) Zolmitriptan containing a crystalline polymorphic form according to ~~any of claim~~[[s]] 1 to 20.

37. (cancelled)

38. (original) A method for the treatment and/or prevention of clinical conditions for which a selective antagonist of 5-HT_{1B/1D}-like receptors is indicated, comprising administering to a patient in need of such treatment an effective amount of the pharmaceutical composition according to claim 35.